



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
 Date: May 12, 2006 Name: Henry L. Brinks, Reg. No. 17,013 Signature: [Signature]

**BRINKS
HOFFER
GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Lutz Biedermann, ET AL.

Appln. No.: 10/660,452

Examiner: Wilse, David H.

Filed: September 11, 2003

Art Unit: 3738

For: Invertebral Disk Prosthesis

Attorney Docket No: 7948/16

Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal (in dup.); First Supplemental Information Disclosure Statement (in dup.); Form PTO-1449 (in dup.); Fourteen (14) cited references;
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

		Small Entity		Not a Small Entity	
	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee
Total	Minus			x \$25=	x \$50=
Indep.	Minus			x 100=	x \$200=
First Presentation of Multiple Dep. Claim				+ \$180=	+ \$360=
				Total \$	Total \$

Fee payment:

- ☒ A check in the amount of \$180 for filing fee for Information Disclosure Statement is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Henry L. Brinks (Reg. No. 17,013)

May 12 2006
 Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Lutz Biedermann ET AL.

App. No.: 10/660,452

Filed: September 11, 2003

For: Invertebral Disk Prosthesis

Attorney Docket No: 7948/16

Examiner: Wilse, David H.

Art Unit: 3738

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicants hereby cite the following reference(s):

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1 6,764,512 B2	07/20/2004	Keller	623/11.11	03/29/2001
	B2 6,682,562 B2	01/27/2004	Viart et al.	623/17.14	03/02/2001
	B3 6,527,404 B1	03/04/2003	Gauchet et al.	623/17.12	12/09/1999
	B4 5,702,451	12/30/1997	Biedermann et al.	623/17	12/29/1995
	B5 5,676,701	10/14/1997	Yuan et al.	623/17	06/07/1995
	B6 5,507,816	04/16/1996	Bullivant	623/17	12/01/1992
	B7 5,401,269	03/28/1995	Buttner-Janz et al.	623/17	03/10/1993
	B8 5,370,697	12/06/1994	Baumgartner	623/17	02/19/1993
	B9 5,314,477	05/24/1994	Mamay	623/17	03/04/1991
	B10 4,820,305	04/11/1989	Harms et al.	623/16	10/30/1987
	B11 US 2005/0251260 A1	11/10/2005	Gerber et al.	623/17.1.13	02/11/2005
	B12 US 2004/0024460 A1	02/05/04	Ferree	623/17.12	05/09/2003
	B13 US 2003/0045939 A1	03/06/2003	Casutt	623/17.15	08/23/2002
	B14 US 2001/0016773 A1	08/23/2001	Serhan et al.	623/17.15	12/28/2000

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B15 DE 299 11 422 U1	2.7.99	Germany	A61F 2/44	No
	B16 WO 95/26697 A1	10.06.94	PCT	A61F 2/44	Yes
	B17 EP 0 610 837 B1	07.02.1994	EPO	A61F 2/44	Yes
	B18 DE 42 13 771 C1	27.4.92	Germany	A61F 2/44	No
	B19 DE 42 08 116 A1	13.3.92	Germany	A61F 2/44	No
	B20 EP 0 356 112 A1	15.08.89	EPO	A61F 2/44	Yes
	B21 DE 22 63 842 A1	28.12.1972	Germany	A61F 1/00	No

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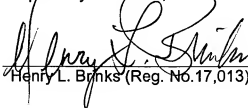
EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS	
	(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	B22	Derwent English Abstract of DE 194 11 422
	B23	Derwent English Abstract of DE 42 13 771
	B24	Derwent English Abstract of DE 42 08 116
	B25	Derwent English Abstract of DE 22 63 842
	B26	Derwent English Abstract of DE 35 29 761 C2, previously filed in Information Disclosure Statement filed April 19, 2006
	B27	Derwent English Abstract of DE 30 23 353 C2, previously filed in Information Disclosure Statement filed April 19, 2006
	B28	Derwent English Abstract of DE 28 04 936 A1, previously filed in Information Disclosure Statement filed April 19, 2006

Applicants are enclosing Form PTO-1449 (two sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Each of the listed references is in English, or an English abstract is provided. Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated a processing fee in the amount of \$180.00 to be due under 37 C.F.R. §1.17(p) in connection with the filing of this Statement. Applicants have enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Statement.

Respectfully submitted,


Henry L. Brinks (Reg. No. 17,013)

May 12, 2006
Date



corrected version

FORM PTO-1449	SERIAL NO. 10/660,452	CASE NO. 7948/16
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 11, 2003	GROUP ART UNIT 3738
(use several sheets if necessary)		APPLICANT(S): Lutz Biedermann et al.

page 1 of 2

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS				
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/D.W./	B1	6,764,512 B2	07/20/2004	Keller	623/11.11	03/29/2001
	B2	6,684,562 B2	01/27/2004	Viat et al.	623/17.14	03/02/2001
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	B6	5,507,816	04/16/1996	Bullivant	623/17	12/01/1992
	B7	5,401,269	03/28/1995	Buttner-Janz et al.	623/17	03/10/1993
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	B12	US 2004/0024460 A1	02/05/04	Ferree	623/17.12	05/09/2003
	B13	US 2003/0045939 A1	03/06/2003	Casutt	623/17.15	08/23/2002
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/D.W./	B20	EP 0 356 112 A1	15.08.89	EPO	A61F 2/44	Yes
	B21	DE 22 63 842 A1	28.12.1972	Germany	A61F 1/00	No

EXAMINER INITIAL	OTHER ART - NON PATENT LITERATURE DOCUMENTS					
	(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.					
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/D.W./	B24	Derwent English Abstract of DE 42 08 116 3-1992				
	B25	Derwent English Abstract of DE 22 63 842				
/D.W./	B26	Derwent English Abstract of DE 35 29 761 C2, previously filed in Information Disclosure Statement filed April 19, 2006				

EXAMINER /David Willse/	DATE CONSIDERED 12/17/2010
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 10/660,452	CASE NO. 7948/16
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 11, 2003	GROUP ART UNIT 3738
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